**THE HONOURABLE SRI JUSTICE GODA RAGHURAM**

**Writ Petition No.6058 of 2007**

**Dated: 26-03-2007**

**Between:**

Vetukuri Sivanagendramma.

**…..PETITIONER**

**AND**

The State of Andhra Pradesh
Rep by its Prl. Secretary, Revenue Department,
Secretariat, Saifabad, Hyderabad & Ors.
**...RESPONDENTS**

**THE HONOURABLE SRI JUSTICE GODA RAGHURAM**

**W.P.No.6058 of 2007**

**ORDER:**

Apprehending conclusion of the acquisition process without following the due process of law the writ petition is filed.

The petitioners 27 in number own agricultural lands in several small extents, in all of an extent of Acs.33.47 cents in Sy.Nos.200-1, 201, 202-1, 202-2, 203-A, 203-B1, 207-1, 207-2, 207-3, 351-1 to 351-6 and 358-1 of Kesanupalli village, Narsaraopet Mandal, Guntur District.

The 2nd respondent by a notification dated 16-1-2007 under Section 4 (1) of the Land Acquisition Act 1894 notified in draft, proposals for acquisition of these lands for the stated public purpose of forming an Auto Nagar for benefiting the workers of the auto industry. No urgency clause was invoked nor the enquiry under Section 5-A dispensed with. Notice in form 5-A was issued to the petitioners soliciting objections to the acquisition proposals. All the petitioners state to have lodged their objections. No possession as yet been taken by the competent authority under Section 5-A. No decision under Section 5 A (2) of the Act was communicated to the petitioners. No draft declaration under Section
6 has yet been issued. However, the petitioners allege, the officials of the respondents are coming on to the lands and demarcating the lands

even without a declaration under Section 6 having been issued.

As the petitioners have lodged their objections pursuant to a notice under Section 5-A of the Act, the respondents are obligated to consider their objections to the acquisition process. Since the consideration of such objections is not a ritual but a substantive obligation of the respondents which is a corollary of the right of the petitioners under Section 5-A of the Act, principles of administrative law require that the respondents must communicate the decision taken under Section 5 A (2), to the petitioners.

Accordingly, the respondents in particular the 2nd respondent is directed to communicate the decision taken under Section 5-A (2) of the Act to each of the petitioners by registered post acknowledgement due and only thereafter take further proceedings for acquisition. Till communication of the decision as directed above, the petitioners shall not be dispossessed.

The writ petition is disposed as above at the stage of admission after hearing the learned Government Pleader for Land Acquisition. No costs.

**(GODA RAGHURAM,J)**

**Date:26-03-2007**
grk

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